

REMARKS

Claims 1-35 are currently pending in the application. Claims 1, 3, 11, 18, 20, 30-35 have been amended without acquiescence to cited basis for rejection or prejudice to pursue in a related application. Claims 36-62 are new. No new matter has been added.

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claim 18-20, 23, 24, 34, and 35 stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,662,342 issued to Marcy et al. (Marcy).

For claim 18, there are one or more claimed limitations that are not disclosed, taught or suggested by the cited references. Amended claim 18 recites the following limitations:

receiving the schema for the data that is based on the mark-up language;

identifying a child node that is to be accessed within the data;

reviewing the schema to determine one or more access parameters relating to the child node, wherein at least one access parameter is determined for the child node relative to the parent node; and

using the one or more access parameters to directly access the child node.

1. Amended claim 18 recites “reviewing the schema to determine one or more access parameters relating to the child node, wherein at least one access parameter is determined for the child node relative to the parent node; and using the one or more access parameters to directly access the child node.” According to the Office Action column 4, lines 40-55 and column 6, lines 2-11 of Marcy allegedly discloses reviewing the schema to determine one or more access parameters relating to the child node. Applicants respectfully submit that Marcy does not teach or suggest

reviewing the schema to determine one or more access parameters relating to the child node, with at least one access parameter that is determined for the child node relative to the parent node.

In contrast, Marcy is directed toward determining the structure of an XML document by parsing the document itself to determine instances of objects, such as elements and attributes, within the document, and returning location information for any values of identified objects within the document. (Marcy, Abstract and col. 4, lines 35-36). Specifically, Marcy discloses scanning the document type definition to store often repeated names defined for the elements into a string pool and providing a handle to the names in the string pool. (Marcy, col. 4, lines 45-55). Next, Marcy discloses parsing the XML document to determine specific **start and end locations in the text for the values of all the elements**. (Marcy, col. 5, lines 20-32). Thus, Marcy teaches providing a **handle to an element name stored in a separate string pool** from the XML data, and **storage of a start and end location in the text for values of all the elements** within the XML document. Marcy does not teach or suggest reviewing a schema to determine one or more access parameters to directly access a child node with at least **one access parameter** that is determined for the **child node relative to the parent node** after review of a schema.

For at least this reason, Applicants respectfully submit that claim 18 is allowable over Marcy.

2. Claims 34 and 35 recite sufficiently the same limitations as claim 18, and therefore, are patentable over Marcy.
3. Claims 19-20, 23 and 24 are rejected and depend on claims 18, and therefore, are patentable over Marcy.

II. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-4, 8,10-12,14, 16, 21, and 30-33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marcy in view of U.S. Patent Application No. 2001/0029604 published by Dreyband et al. (Dreyband).

For claim 1, there are one or more claimed limitations that are not disclosed, taught or suggested by the cited references. Claim 1 recites the following limitations:

receiving a schema for the XML data;

identifying an element within the schema to associate with a named access procedure;

determining if the element identified is appropriate for association with the named access procedure; and

if the element identified is appropriate for association, then creating the named access procedure and associating the named access procedure with the element, the named access procedure providing direct access to the element within an instance of the XML data with **at least one access parameter that is determined for the element relative to a second element**.

1. Amended claim 1 recites “if the element identified is appropriate for association, then creating the named access procedure and associating the named access procedure with the element, the named access procedure providing direct access to the element within an instance of the XML data with **at least one access parameter that is determined for the element relative to a second element**. According to the Office Action Figure 3 and paragraph 0029 of Dreyband allegedly disclose creating the named access procedure and associating the named access procedure with the element. Applicants respectfully submit that Dreyband and Marcy do not teach or suggest a “named

access procedure providing direct access to the element within an instance of the XML data with at least **one access parameter that is determined for the element relative to a second element.**"

Applicants agree with the Examiner that Marcy does not teach implementing a named access procedure, creating a named access procedure and associating the named access procedure with an element when the element is appropriate for association. (Office Action, page 5). Dreyband is directed toward mapping the structural complexity of a schema into an object oriented language. (Dreyband, Abstract). In Figure 3 and paragraph 0029 of Dreyband, Dreyband states the prior art storage of an element string "name" 74 within the Java class of type "Person" 72 with an access method "getName()" 78 to return the string with **no access parameters**. To map the structural complexity of a schema as shown in Figure 4, Dreyband teaches the use of an internal static class "Name" 94 of class "Person" 92 with an access method "name()" with **no access parameters**. Thus, Dreyband discloses the use of **no access parameters** and does not teach or suggest a named access procedure providing direct access to the element within an instance of the XML data with at least **one access parameter that is determined for the element relative to a second element.**

For at least this reason, Applicants respectfully submit that claim 18 is allowable over Marcy, Dreyband, and their combination.

2. Claims 11 and 30-33 recite sufficiently the same limitations as claim 1, and therefore, are patentable over Marcy, Dreyband, and their combination.
3. Claims 2-4, 8, 10, 12, 14, 16, and 21 are rejected and depend on claims 1, 11, and 30-33, and therefore, are patentable over Marcy, Dreyband, and their combination.

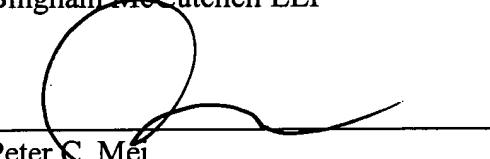
CONCLUSION

Based on the foregoing, all remaining claims are believed in condition for allowance. If the Examiner has any questions or comments regarding this amendment, please contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **OI7035732001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. **50-2518**, referencing billing number **OI7035732001**.

Respectfully submitted,
Bingham McCutchen LLP

By:


Peter C. Mei
Reg. No. 39,768

Dated: June 8, 2006

Bingham McCutchen LLP
Three Embarcadero Center, Suite 1800
San Francisco, California 94111
Telephone: (650) 849-4960
Facsimile: (650) 849-4800